

REMARKS

Reconsideration and allowance of the above-mentioned application in view of the above amendments and remarks that follow is requested.

Claims 6, 7, 15, 22, 23, 25 – 29 and 32 – 35 have been withdrawn from further consideration by the Examiner.

Claims 1, 8 - 10, 17, 24, 30, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Follis. The Examiner appears to aver that Lang discloses a system for creating a line of light beams using a radiant energy source (10 – 14) and an altering device (15) where the energy emerges from the altering device to form a line in a predetermined plane. Since Lang does not show the light altering device as a hollow tube the Examiner supplies this teaching with the citing of Follis. Claims 1, 8 and 9 have been canceled. This rejection as to the remaining claims is believed untenable and withdrawal thereof is respectfully requested in view of the above amendments to independent claims 10, 17 and 36. For example, claim 10, as amended, now calls for the improvement of a **hollow tube within a hollow tube** altering device and a radiant energy source positioned to apply radiant energy orthogonally into the hollow tube within a hollow tube. This distinction of Applicant's over the prior art allows laser light to be aimed directly into the outer surfaces of the hollow tubes and orthogonal to their longitudinal axis. The light striking the hollow tubes has a portion reflected off their outer surfaces with the remaining light transmitted into the hollow tubes where by means of multiple reflections off cylindrical surfaces, the light automatically emerges from the outside of the hollow tubes in the form of a 360 degree ring of light. Only a trace of non-useful light exits out of the ends of the hollow tube. Applicant submits that this distinction and advantage is not anticipated or contemplated by Lang since Lang employs rods, such as, fiber optic rods that receive radiant energy through the ends of the fiber optic rods and appears in all embodiments to **NOT want the light to go out of the sides of the rods for light efficiency purposes.** In addition, fiber optic rods are made from a series of individual fibers that include a cladding to prevent light from exiting from the sides of the fibers. This teaching is directly

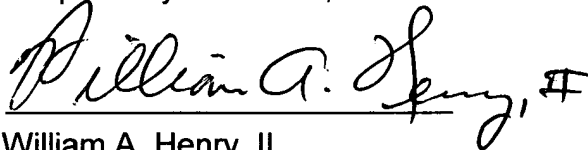
the opposite of what Applicant is claiming. That is, Applicant's hollow tube within a hollow tube does not include a cladding precisely because it is desired that light penetrate into and escape through the walls of the hollow tubes. With respect to Follis, there appears to be no mention of the use of a tube within a tube to improve light projection. In fact, Follis appears to teach away from Applicant's invention by teaching the use of a plurality of reflective fibers that can be secured to a support structure for use with an incident laser beam. Thus, Applicant submits that it would not be obvious to substitute a hollow tube within a hollow tube for the fiber optic rod in Lang because Lang and Follis teach away from what Applicant is claiming.

. With respect to claims 17 and 36, Applicant submits that all of the arguments presented above toward the patentability of claim 10 apply here also. In addition, claim 17 calls for the improved device that receives radiant energy to be a capillary tube array which Applicant submits is not contemplated by either Lang or Follis.

The citation of references to Kaelin, and Goldstein et al. are acknowledged, however, Applicant submits that they in no way anticipate or make the claims as now presented obvious.

A telephone interview is respectfully requested at the number listed below. The undersigned will be happy to discuss any Examiner-proposed amendments as may be appropriate.

Respectfully submitted,

A handwritten signature in black ink, reading "William A. Henry, II" with a stylized flourish at the end.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 1 is CANCELED.

Claim 8 is CANCELED.

Claim 9 is CANCELED.

10. (Twice Amended) A line producing apparatus, comprising:
a laser source adapted to produce radiant energy; and
a laser output altering device, and wherein radiant energy projected from said laser source orthogonally into said laser output altering device emerges from said laser output altering device in a predetermined plane, and wherein said laser output altering device is [one of a group consisting of: a hollow tube,] a hollow tube within a hollow tube [and a capillary array].

17. (Twice Amended) A method for creating a line, comprising the steps of:
providing a laser source; and
providing a device for receiving radiant energy from said laser source, said device being adapted such that radiant energy projected from said laser source orthogonally into said device emerges from said device in an outward pattern to form a line in a predetermined plane, and wherein said device is [one of a group consisting of: a hollow tube, a hollow tube within a hollow tube and] a capillary array.

36. (Twice Amended) An apparatus adapted to create an optical line, comprising:
a laser source;

a device for receiving radiant energy from said laser source, said device being adapted such that radiant energy projected from said laser source orthogonally into said device emerges from said device in an outward pattern to form an optical line in a predetermined plane, and wherein said device is [one of a group consisting of: a hollow tube,] a hollow tube within a hollow tube[, and a capillary array].